



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

970 – SEARCH WARRANTS

GENERAL ORDER: 2014-08
ISSUED: September 1, 2014

EFFECTIVE: September 1, 2014

REVIEWED/APPROVED BY:
Captain Regina Howard
DATE: August 21, 2014

ACTION: Amends General Order 2012-06 (February 17, 2012)

WILEAG STANDARD(S): NONE

970.00 DEFINITIONS

A. DECONFLICTION

An immediate notification investigation tool utilized by law enforcement to ensure officers are not intentionally hurt or killed during investigative efforts, particularly undercover operations by ensuring agencies are not unknowingly working in close proximity or agencies which may be conducting an investigation on the same suspect at the same time.

B. HIGH-RISK

“High risk” search warrants include those search warrant executions which the TEU sergeant or lieutenant reasonably believes will involve a high degree of danger to police officers and citizens. Reasonable belief shall be based upon risk factors which include, but are not limited to no knock forced entry, the presence of weapons, vicious dogs, number of persons present at the scene, location, time of day, and dangerous nature of criminal activity or suspected offenses.

C. LOW-RISK

“Low-risk” search warrants include those search warrant executions which the TEU sergeant or lieutenant (or division or district supervisor in instances of secured scenes) reasonably believes lack sufficient risk factors to the extent that the warrant execution is unlikely to pose a danger to police officers or citizens.

970.10 PRE-APPLICATION

District and Neighborhood Task Force members seeking to obtain a search warrant must first notify and have the approval of their commanding officer or higher authority. Members assigned to North, Central, South Investigations Division, HITDA, and the Specialized Investigations Bureau need only receive their supervisor’s authorization for initiation of the warrant process.

After receiving permission to proceed, a supervisor shall open the appropriate search warrant report form in the AIM system and generate a search warrant number. The name of the commanding officer granting permission to proceed must be recorded at this time. After drafting the search warrant application, the affidavit must be thoroughly reviewed by

the member's shift commander and an assistant district attorney prior to presentation to a judge or court commissioner for signing.

970.20 DECONFLICTION

Prior to application for a search warrant and again before execution, the HIDTA Watch Center and ACISS, shall be utilized for deconfliction for the address and suspect(s).

REDACTED

If the HIDTA or IFC Watch Centers are unavailable for deconfliction, the application and execution of a warrant can proceed with deconfliction through ACISS.

970.30 RISK ASSESSMENT

A. SEARCH WARRANT RISK ASSESSMENT FORM (PW-3E) and SEARCH WARRANT BRIEFING REPORT FORM (PW-6E)

The requesting supervisor or shift commander of the district or division that obtained a search warrant shall, as soon as practicable, contact a Tactical Enforcement Unit (TEU) sergeant or lieutenant to coordinate execution of the search warrant.

The requesting supervisor or shift commander must submit a *Search Warrant Risk Assessment Form* (form PW-3E) and a *Search Warrant Briefing Report* (form PW-6E) to a TEU sergeant or lieutenant via department e-mail. The TEU supervisor shall acknowledge receipt of the PW-3E and PW-6E by contacting the requesting supervisor. To facilitate the risk assessment, the requesting supervisor or shift commander of the district or division that obtained the search warrant, shall provide the TEU sergeant or lieutenant with all necessary intelligence for an effective evaluation, including neighborhood considerations and any deconfliction information.

In cases where a scene has been secured by officers or detectives and a search warrant is needed for further investigation, the scene shall be "frozen" and a supervisor from the division or district shall be contacted to obtain a search warrant. These cases do not require any further risk assessment or TEU notification.

B. RISK LEVEL

1. Only a TEU sergeant or lieutenant shall determine the risk level of a search warrant. Documented risk factors on the PW-3E, PW-6E and intelligence provided by the division or district that obtained the warrant shall dictate the risk level for execution of a search warrant.
2. The sergeant or lieutenant in charge of executing the search warrant has the authority to raise or lower the risk category, based upon on-scene intelligence at the time of warrant execution.

970.40 EXECUTION OF A SEARCH WARRANT**A. EXCEPTIONS**

Members assigned to state or federal task forces who obtain a search warrant related to that assignment are not subject to the process enumerated in this SOP, provided the search warrant will be executed by the task force or another agency in accordance with that task force or agency's policies and procedures.

B. BRIEFING

Prior to the execution of a search warrant, the sergeant or lieutenant in charge and in conjunction with the requesting supervisor, shall ensure that there are appropriate personnel assigned to execute the warrant based on the risk level. The sergeant or lieutenant in charge of executing the warrant shall conduct a pre-entry briefing with all personnel (TEU, district and/or division members) participating in the execution of the warrant. During this briefing, all participating personnel shall be informed of the risk level and the guidelines for executing the search warrant at the assessed level of risk.

C. NOTIFICATION

If the serving officer's district is different from the district where the warrant will be executed, the shift commander of the district of execution must be notified. Additionally, notification shall be made to the field inspector and the Technical Communications Division shift commander.

D. EXECUTION

REDACTED

REDACTED

REDACTED

The sergeant or lieutenant in charge of executing the warrant must assess the risk posed to members or evidence prior to the release of persons on the scene of a low-risk search warrant who are not the focus of the warrant.

The sergeant or lieutenant shall ensure the entire search warrant execution process is documented. [REDACTED]

[REDACTED]

[REDACTED]

970.50 POST SEARCH WARRANT

- A. Members assigned to the TEU shall debrief all search warrants. Members of a district or division involved in a search warrant shall also debrief their search warrants.
- B. The sergeant or lieutenant in charge of executing the search warrant and the supervisor of the division or district which obtained the search warrant shall complete the *Search Warrant Execution* form (form PW-4E) and the after action report containing the PW-3E, as well as in-depth statistical intelligence gathered from the execution of the warrant. A *Narcotics Supervisor's Search Warrant* (form PN-20E) report shall also be completed if applicable. If the risk category at the time of warrant execution was raised or lowered from the initial risk assessment, the after action report shall explain the basis for revision and that the warrant was executed in accordance with the revised risk category.



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CHIEF OF POLICE

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